THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.22620 of 2006

Dated: 01.11.2006

Between:

Gandi Appa Rao.

.... PETITIONER

AND

The Depot Manager, APSRTC, Kakinada, East Godavari District.

.....RESPONDENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.22620 of 2006

ORDER

Questioning the proceedings dated 26.09.2006 of the respondent-APSRTC, wherein the petitioner was placed under suspension pending enquiry on the alleged ineffective assistance to one T. Siva Prasad, Mechanic in carrying out Sch.III maintenance to vehicle No.AP 11Z 4207, the present writ petition is filed.

2. Learned counsel for the petitioner submits that the petitioner is no way concerned with regard to the maintenance of the vehicle as well as driving of the vehicle and there is no material either to suspend the petitioner or to initiate any disciplinary proceedings against him. He further submits that the impugned suspension order was issued to the petitioner with a *mala fide* intention to victimize him, and therefore, the impugned order be set aside and the petitioner be reinstated into service.

3. In service jurisprudence suspension pending enquiry is not a punishment. In the enquiry, if the charges leveled against the petitioner are not proved, his suspension will be revoked and he will be paid all the consequential benefits. Hence, it is not proper for this Court to interfere with the order of suspension pending enquiry, and more so when suspension pending enquiry is not a punishment.

4. However, the petitioner is at liberty to submit his explanation to the impugned suspension order, and if the petitioner submits his

explanation, the respondents shall consider the case of the petitioner for revocation of suspension in the light of the material available on record.

5. With the observations as above, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 01.11.2006

sj/nsr